

**Special and Regular City Council Meeting of October 12, 2004**  
**Twin Pines Senior and Community Center**

**SPECIAL MEETING**

**CLOSED SESSION - 7:00 P.M.**

- A. Conference with Legal Counsel, pursuant to Government Code Section 54956.9, Potential Litigation (1 case).

Attended by Councilmembers Feierbach, Mathewson, Warden, Bauer, Metropulos, Interim City Manager Rich, Finance Director Fil, and City Attorney Savaree. City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:30 P.M., this Closed Session was adjourned.

This meeting not tape-recorded or videotaped.

Terri Cook  
City Clerk

**CALL TO ORDER 7:35 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Warden, Feierbach, Mathewson, Bauer, Metropulos

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Rich, City Attorney Savaree, Public Works Director Davis, Community Development Director Ewing, City Clerk Cook.

**REPORT FROM CLOSED SESSION**

Mayor Metropulos announced that direction was given but no action taken during the Closed Session held earlier.

**PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Catherine Barber**, Old County Road, stated that the commercial property owner across the street from her complex has been storing items outside, one of which is a refrigerator, in plain view, which now appears to be blocking the sidewalk. She also stated that the sidewalk is often blocked with cars, and people drive on the sidewalk. She added this is dangerous and unsightly, and she has contacted code enforcement.

Community Development Director Ewing responded that the complaint was received and enforcement was proceeding. He noted that the owner had not responded to the initial letter, and that the matter had been referred to the City Attorney's office for followup, according to procedures.

**COUNCIL COMMENTS AND ANNOUNCEMENTS**

Mayor Metropulos stated that the Friends of the Belmont Library would be holding a fundraising dinner on October 25, co-sponsored by the Belmont Rotary and Vivace Restaurant.

Councilmember Bauer stated that Save the Music raised over \$100,000 at its recent fundraiser. He noted that the Mayor did a good job as the emcee for the event.

Councilmember Feierbach requested the removal of Item 4-C Resolution Granting a Hauling Permit to Nikon Precision, Inc. for Hauling Soil and Materials from 1399 Shoreway Road (Nikon Training Center) in Vehicles Exceeding the Maximum Gross Weight on Ralston Avenue and Shoreway Road from the Consent Calendar for separate consideration.

#### **CONSENT CALENDAR**

**Approval of** Resolution 9595 Supporting the Redwood City Plan and Proposal to Supplement the US Fish and Wildlife Restoration Plan for Bair Island.

**Approval of** Motion Accepting Financial Statements for the City of Belmont FY 03-04.

**Approval of** Resolution 9596 Authorizing a Professional Services Agreement with Bob Murray and Associates to Conduct an Executive Search for the City Manager Position.

**Approval of** Resolution 9597 Approving Plans and Specifications and Authorizing Advertisement for Sealed Bids for an Amount Not to Exceed \$6,748,090, and Approving a Construction Contingency Not to Exceed \$674,809 and Bid Alternate for Shelving Not to Exceed \$240,000 for the Construction of the Belmont Library and Belameda Park Project, City Contract No. 464.

**ACTION:** On a motion by Councilmember Mathewson, seconded by Councilmember Warden the Consent Calendar, as amended, was unanimously approved by a show of hands.

#### **ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

**Resolution Granting a Hauling Permit to Nikon Precision, Inc. for Hauling Soil and Materials from 1399 Shoreway Road (Nikon Training Center) in Vehicles Exceeding the Maximum Gross Weight on Ralston Avenue and Shoreway Road.**

In response to Councilmember Feierbach, Public Works Director Davis confirmed that the trucks would not be using Ralston Avenue west of Highway 101. He clarified that there was no clear delineation on where Ralston Avenue becomes Marine World Parkway; therefore, staff used Ralston Avenue as the defining street for the freeway access for the trucks.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Mathewson, Resolution 9598 Granting a Hauling Permit to Nikon Precision, Inc. for Hauling Soil and Materials from 1399 Shoreway Road (Nikon Training Center) in Vehicles Exceeding the Maximum Gross Weight on Ralston Avenue and Shoreway Road, to include language to prohibit trucks from using Ralston Avenue west from Highway 101 to Highway 92, was unanimously approved by a show of hands.

#### **HEARINGS**

**Public Hearing to consider an appeal filed on July 30, 2004, by Mr. Simmie Graves, Jr., regarding Planning Commission Action taken on July 24, 2004, denying a Single Family Design Review and Variance to allow construction of a new single family dwelling, including a drive-way bridge structure within the required 20-foot front yard setback located at 905 South Road. (Appl. No. 02-0061) APN: 045-152-550; Zoned: R-1B (Single Family Residential)**

Community Development Director Ewing outlined the Planning Commission's review and denial of a front yard setback variance and single-family design review. He stated that all the zoning requirements had been met except for the front setback, since a variance would be required for the bridge driveway. He noted that the Commission was unable to make one finding in order to grant the variance.

Community Development Director Ewing stated that the points raised by the appellant are not supported, and that the Commission made the appropriate findings for design review. He noted staff's concern regarding the denial of the setback variance, based on safety, since any driveway for this property would require a variance. He added that there is a need to find the best solution to access the property, and recommended that Council overturn the Planning Commission decision on this issue.

Community Development Director Ewing advised that the appellant submitted revised drawings following the actions taken by the Planning Commission. He recommended that since the Commission had not seen this version of the project, the Council should refer the matter back to the Planning Commission for design review.

In response to Council questions, Community Development Director Ewing clarified that the variance would create relief from the front setback requirements, and is tied to the final design. He noted that driveway location and dimensions are set by the variance, and specific design is a matter for the Planning Commission to determine. He also clarified that some variance would be needed, regardless of the design of the driveway.

Councilmember Warden stated that he was uncomfortable with bifurcating these two actions, since they constitute a package.

In response to Councilmember Mathewson, Community Development Director Ewing noted that a list of bridge driveways was provided in the staff report, but none were present in the area designated by the Downtown Specific Plan.

**RECESS**                      **8:50 P.M.**  
**RECONVENE**              **9:00 P.M.**

Mayor Metropulos opened the Public Hearing.

**Simmie Graves**, Appellant, gave a Power Point presentation (hard copy on file in Clerk's office) containing updated statistics from those outlined in the staff report. He noted that he desired to keep the driveway to a maximum 18 percent grade, and that the height of the home is below the required 28-foot limit. He stated that he was providing an 8:1 tree replacement, and no public views were affected. He noted that this property was in the transition area of the Downtown Specific Area, and that he proposed a wood exterior, which met the requirements of the Downtown Specific Plan.

**Kim Gonzales**, South Road, stated that no bridge driveways exist in the Downtown Specific Area, and that none exist within 1½ miles of the property. She expressed a concern that the

variance would set precedence for other vacant lots in the area. She noted that use of a bridge driveway sites the house closer to the street.

**Steve Gonzales**, South Road, clarified that his home is not 3,000 square feet as outlined, but is 1,600 square feet. He noted that his house has a low projection on the ridge, and that the driveway sweeps down the hill. He also noted that the appellant's property is a difficult one on which to build, and recommended that the appellant hire an architect with a background in hillside design. He clarified that the current driveway plan had never been presented prior to tonight's hearing.

**Mary Lou South**, Sixth Avenue, expressed concern regarding separation of the variance action from design review. She noted that the proposed project fails the criteria for the Downtown Specific Plan, affects views, that the lot is too small for the project, and is too close to the Belmont Vista center below the property. She stated that approval of the variance would put pressure to approve the entire project.

**Catherine Burger**, South Road, stated that she agreed with the comments of her neighbors and Ms. South. She expressed concern regarding the precedence of a bridge driveway. She stated that she had been advised there was a fault line in the area, and was concerned regarding safety of the bridge driveway. She noted that a geologic review should be performed. She also expressed concern regarding traffic.

**John Blake**, Attorney for Appellant, stated that the driveway bridge was the end result of five Planning Commission hearings regarding this matter. He noted that other solutions required more grading or hardscape, and that the siting of the house is optimum. He summarized the Planning Commission discussion regarding bulk and aesthetics, and that the latest design meets the standards. He requested that the Council take up the issue of design review or give the Planning Commission direction. He also requested that the variance be granted.

**ACTION**: On a motion by Councilmember Feierbach, seconded by Councilmember Mathewson, the Public Hearing was unanimously closed by a show of hands.

In response to Councilmember Feierbach, City Attorney Savaree clarified that the applicant would not need to wait a year to reapply for a redesign if the variance were denied.

Council discussion ensued regarding options and the logistics of new application versus redesign. City Attorney Savaree clarified that the purpose for the one-year timeline was to prevent the same application to be submitted over and over.

In response to Councilmember Bauer, Community Development Director Ewing clarified that a geologic report had been submitted, and conditions set forth in the approvals were adequate to meet the requirements of the findings.

Councilmember Bauer stated that since there was no other way to access the property, he was inclined to approve the variance and send the project back to the Planning Commission for redesign.

In response to Mayor Metropulos, Community Development Director Ewing clarified that the Zoning Ordinance defines bulk, but the definition of excessive is subjective, since it relates to surrounding projects. He noted that the rear yard setback requirement was met.

Councilmember Mathewson stated that initially the Downtown Specific Plan was ignored. He agreed with the need for a variance, but was not convinced of the need for a bridge driveway, and noted a safety concern due to cars having to back out onto South Road. He noted that the Planning Commission had not seen the latest revisions, and that at the Commission hearing, Mr. Graves stated the design would not change, but it now has. He commented that the entire project should go back to the Planning Commission.

Councilmember Warden stated that this is a difficult lot, similar to the 3-lot subdivision on Coronet that took time to design. He noted that he could not support the granting of a variance without a specific design. He noted that the applicant has a right to access and build on his property, and he agreed with the comments of the Planning Commission.

Councilmember Feierbach stated that the applicant has a right to develop his property, and that a home could be built at this site, but the current design was too bulky. She noted that the Planning Commission wished to work with the applicant, and stated that it should direct the applicant on redesign.

Councilmember Bauer stated that when he remodeled his home, he did not like to be told how to design, but that he ended up with a workable project, and he gave the Commission credit for its direction. He stated that this project was different, and he could support the variance.

Mayor Metropulos stated that the applicant has a right to build, but that he was uncomfortable with approval of the variance alone, since a redesign of the home might change the driveway. He noted that a complete package would be easier for the Planning Commission and the applicant to deal with.

Councilmember Warden stated that granting a variance only would not help the applicant very much.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Warden, and unanimously approved by a show of hands to refer the matter back to the Planning Commission.

In response to a question from Councilmember Mathewson regarding direction to the Planning Commission, Councilmember Bauer stated that all reasonable options should be considered, including economic feasibility. Councilmember Feierbach responded that she trusted that the Commission would work with the applicant.

**RECESS**                      **9:50 P.M.**  
**RECONVENE**              **9:55 P.M.**

**OLD BUSINESS**

**Discussion and direction regarding residential parking standards update (held over from 9/28/04)**

Principal Planner de Melo stated that for the past few years, the Planning Commission has expressed concern regarding residential upgrades for which no additional parking was required per the zoning standards. He noted that the definition of a bedroom should be clarified, since the addition of bedrooms is what triggers the requirement to provide additional parking. He stated that total livable area should be the trigger, and this would require a zone text amendment.

**Warren Gibson**, Chairperson, Belmont Planning Commission, stated that the Planning Commission has difficulty with the definition of bedroom. He noted that the problem is the link of additional bedrooms to additional parking requirements. He also noted that it is inequitable for new developments to bear the burden of additional parking.

Councilmember Feierbach stated that the City of Burlingame's definition of bedroom could be incorporated into Belmont's ordinance. She noted that this issue existed in some of the older neighborhoods such as Central, Cipriani and Sterling Downs.

Councilmember Bauer recognized that this issue should be addressed, but was uncomfortable with the proposed definitions. He stated that additional square feet or additional bedrooms do not generate the use of more cars.

Councilmember Warden stated that there is some correlation between parking and the number of bedrooms or square feet, although it was difficult to define the exact equation. He stated there was a big difference between a two-bedroom, one-bath house and a four-bedroom, three-bath house. He agreed with the need for a more precise definition of bedroom. He noted that total floor area may be the best solution.

Councilmember Mathewson stated that he generally supported using Burlingame's definition, and suggested adding language that would incorporate a room's ability to be converted to a bedroom. He stated that it was hard to impose a one-size-fits-all approach, and did not want to regulate to the point where it was not possible to build at all.

Mayor Metropulos stated that it was important to have standards.

Community Development Director Ewing stated that this issue is a problem in the upgrading of older homes, not for new homes. He noted that if too regulatory, no one would upgrade, although a variance is always possible. He stated that clarifying the definition of bedroom and a calculation of total square feet for the trigger for additional parking is a reasonable solution.

**Setting the Bi-Annual Council Priority Calendar: Step Three - Adopting the Calendar**

Interim City Manager Rich stated that seven items have been placed on the Priority Calendar for the next six months, and the others have been placed "below the line", to be considered at the next review.

**ACTION:** On a motion by Councilmember Warden, seconded by Councilmember Feierbach, the Project Description Forms and Priority Calendar were unanimously approved by a show of hands.

**MEETING EXTENSION:** On a motion by Councilmember Mathewson, seconded by Councilmember Feierbach, the meeting was unanimously extended by 30 minutes.

**NEW BUSINESS**

**Discussion and Direction Regarding City of Belmont Signage on Northwest Corner of El Camino Real and Ralston Avenue.**

Public Works Director Davis stated that the sign was installed in 2002, and in 2003, two missing letters were replaced. He noted that this is a custom order, the letters are expensive, and the fabricator is no longer available. He noted that accessibility at this corner might have led to the removal of letters. He outlined options available for replacement or permanent removal.

Councilmember Feierbach stated that the remaining letters should be removed. She noted that she did not support the need for the sign, and it was expensive.

Councilmember Mathewson agreed the sign should be removed, and suggested giving the remaining letters to the Chamber of Commerce to auction at their upcoming fundraiser.

Councilmember Warden stated that there is value in having a monument sign at this prominent corner, but that he did not want to spend \$10,000 for it.

Councilmember Bauer stated that he supports having a sign in this location, and suggested some type of etched sign that cannot be stolen.

Mayor Metropulos stated that he also supported the sign, but was concerned with potential vandalism of an etched sign. He noted that there may be a desire for something in the future.

Council concurred to have staff remove the remaining letters.

**ADDITIONAL PUBLIC/COUNCIL COMMENTS**

Mayor Metropulos announced that the upgrade of Patricia Wharton Park was almost complete, and the Rededication Ceremony would be held on October 30, 2004, at noon.

**MATTERS OF COUNCIL INTEREST/CLARIFICATION**

**Consideration and Direction for the City to Create and Maintain a Comprehensive Solar Energy Policy:(a) Inclusion of solar domain in design review applications; (b) Reduction of fees for solar electric and heating applications; (c) Use of solar panels on city buildings; (d) RDA low or no cost loan program to businesses and residences to encourage solar panel installations; (e) Promotion of solar energy via city communications, website, art & wine, etc. (Warden)**

Councilmember Warden recommended inviting PG&E and other companies to a meeting to discuss this issue. He noted that integration of any one of these items into a future policy would take time, and could be a Priority Calendar item. He clarified that the purpose would be to disseminate information for the benefit of the public.

Councilmember Bauer stated that he has been interested in this issue for 30 years, he has been advocating for the past three years to bring this forward at the Council level.

Councilmember Warden responded that the intent is not to municipalize power, take over infrastructure, or create a city bureaucracy, but to enable people to take advantage of what is available to create solutions for their own energy needs. He also noted that it is not his intent to regulate any of these programs.

Council concurred to schedule a future meeting.

**Discussion to Consider the Hiring of a Full-Time City Attorney on Staff. (Warden)**

Councilmember Warden noted that some cities have a full-time staff attorney, and others such as Belmont have a contracted attorney, a separate Redevelopment attorney, and that additional expenses such as litigation are paid through separate contracts. He stated he would like additional information on costs for a full-time attorney. He noted that there is a benefit to having a full-time attorney located at City Hall. He clarified that he had no issue with the existing City Attorney's services, but noted that the new Economic Development Director may drive the need for additional services.

Councilmember Feierbach stated that most similarly sized cities do not have a full-time city attorney. She also stated that it is likely cost prohibitive, but worth looking at. She cited a report she obtained outlining the pros and cons of each option.

Councilmember Bauer stated that the services provided by the City Attorney were not lacking.

Councilmember Mathewson supported looking at the issue as it relates to costs.

Mayor Metropulos stated that he would like to hear the pros and cons of each option.

Council discussion ensued, and Council concurred to direct staff to obtain a copy of the reported cited by Councilmember Feierbach, and to provide some financial data to compare the options.

**ADJOURNMENT** at this time, being 10:50 P.M.

Terri Cook  
Belmont City Clerk

Meeting Tape Recorded and Videotaped  
Tape Number 591